

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Khamsay Xayamonty,

Civ. No. 20-1566 (ECT/BRT)

Petitioner,

v.

ORDER

Warden J. Fikes, FCI-Sandstone,

Respondent.

IT IS HEREBY ORDERED THAT:

1. Respondent is directed to file an answer to the petition for a writ of habeas corpus of petitioner Khamsay Xayamonty within 30 days of this order certifying the true cause and proper duration of Xayamonty's confinement and showing cause why the writ should not be granted in this case.

2. Respondent's answer should include:

- a. Such affidavits and exhibits as are needed to establish the lawfulness and correct duration of Xayamonty's incarceration, in light of the issues raised in the petition;
- b. A reasoned memorandum of law and fact fully stating respondent's legal position on Xayamonty's claims; and
- c. Respondent's recommendation on whether an evidentiary hearing should be conducted in this matter.

3. If Xayamonty intends to file a reply to respondent's answer, he must do so within 30 days of the date when the answer is filed. Thereafter, no further submissions from either party will be permitted, except as authorized by Court order.

4. Xayamonty's application to proceed *in forma pauperis* (Doc. No. 4) is

GRANTED.

Dated: July 24, 2020

s/ Becky R. Thorson

BECKY R. THORSON

United States Magistrate Judge